

State of New Hampshire Banking Department

In re the Matter of:)	Case No.: 10-044
)	
State of New Hampshire Banking)	
)	Order Re: Request for Finding of
Department,)	Violation of March 28, 2011 Consent
)	Order
Petitioner,)	
)	
and)	
)	
MJ Imports, and Majid Mardanbeigy,)	
)	
Respondents)	
)	
_____)	

I. PROCEDURAL BACKGROUND

The following information is based on representations made by the New Hampshire Banking Department ("Department") in a Request for Finding of Violation of the March 28, 2011 Consent Order ("Request") and a copy of the Consent Order ("Order") dated March 28, 2011.

MJ Imports and Majid Mardanbeigy (collectively "Respondents") entered into the Order which, among other things, obligated Respondents to pay the Department \$700.00 in bank license fees and to make payments in certain amounts to five (5) consumers, Consumers A through E. The Request makes no reference to the \$700.00 payment to the Department or any other condition in the Order; therefore, the Presiding Officer determines that those issues are outside the scope of this order.

Turning to Consumers A through E, the Department alleges that Respondents sent checks in the correct amount regarding Consumers C and D. The initial issue is that the Order required that the checks be made payable to the Consumers; yet, Respondents made the checks payable to the State of New Hampshire. The Department asserts the checks cannot be returned until a

finding is made. The question arises whether a "finding" can be made based on allegations in a Request. The Presiding Officer suggests that, in the future, a Request that contains factual allegations within the knowledge of the Department be verified; that is, the Request contain a statement from a person who has knowledge of the facts that the alleged facts are true.

In this case, the Respondents have acted following receipt of the Request and have provided copies of checks in the appropriate amounts made out to Consumer C and Consumer D. Based on this tacit admission, the Presiding Officer finds that the Respondents violated the Consent Order by making checks payable to the State of New Hampshire. The relief requested in Paragraph 9 of the Request is GRANTED.

The Presiding Officer notes that the checks payable to Consumers C and D are not certified checks or guaranteed funds as required by the Order. To the extent that this becomes an issue, the Department may raise it.

In response to the Request, the Respondents have also sent a copy of a check in the appropriate amount made payable to Consumer B. This check is also not certified or guaranteed. To the extent this becomes an issue, the Department may raise it.

Based on the tacit admission by Respondents that the requirements of the Order were not met in regard to Consumers B, C, and D, and the representations made by the Department, I find that the Respondents have violated the March 28, 2011 Consent Order by not providing required checks in a timely or appropriate fashion to Consumers B, C and D. Paragraph 11 of the Order is GRANTED in regards to Consumers B, C and D.

The Request is more problematic for Consumers A and E. The Order requires the Respondents to send checks in certain amounts to Consumers A and E. In

